

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 1:20-cv-1343

\$4,543.79 IN FUNDS SEIZED FROM BANK
ACCOUNT #153568031006 IN THE NAME
OF CARLETON P. NELSON AND AMY S.
NELSON AT U.S. BANK,

\$8,388.54 IN FUNDS SEIZED FROM BANK
ACCOUNT #1635892407 IN THE NAME
OF AMY STERNER NELSON AT WELLS
FARGO,

\$13,559.97 IN FUNDS SEIZED FROM
BANK ACCOUNT #1361410762 IN THE
NAME OF E2M PROPERTIES LLC AT
CAPTIAL ONE BANK,

\$25,343.01 IN FUNDS SEIZED FROM
BANK ACCOUNT #145947373 IN THE
NAME OF CARLETON NELSON AT
CITIBANK,

\$98,358.92 IN FUNDS SEIZED FROM
BANK ACCOUNT #149656681 IN THE
NAME OF CARLETON NELSON AT
CITIBANK,

\$491,780.50 IN FUNDS SEIZED FROM
ACCOUNT ENDING IN 5810, HELD ON
BEHALF OF AMY STERNER NELSON
AND CARLETON P. NELSON, AT
SIGNATURE BANK,

\$10,567.43 IN FUNDS SEIZED FROM
BANK ACCOUNT # 104781237441 IN THE
NAME OF DEVON M. KIRSCHNER AND
CASEY H. KIRSCHNER AT U.S. BANK,

\$1,217.05 IN FUNDS SEIZED FROM BANK
ACCOUNT #320013539278 IN THE NAME
OF AMY S. NELSON AND CARLETON
PHILLIP NELSON AT AMERICAN
EXPRESS NATIONAL BANK,

and

\$4,284.47 IN FUNDS SEIZED FROM BANK
ACCOUNT #1518835838 IN THE NAME
OF AMY S. NELSON AND CARLETON
PHILLIP NELSON AT AMERICAN
EXPRESS NATIONAL BANK,

Defendants In Rem.

MOTION TO RENEW SEAL

Comes now the United States of America, by counsel, and moves this Honorable Court to renew the seal with respect to the status reports filed in this case, as well as the two declarations filed in support of the government's motions to stay (Documents 22, 41, 44, and 48). In support of this motion, the government states as follows:

1. The government sought and obtained two stays of this civil forfeiture case, on March 5, 2021 and October 6, 2021, respectively (Documents 33 and 51). The basis for those motions to stay centered on an ongoing criminal investigation related to the civil forfeiture case.
2. As part of those motions to stay, the government included two declarations by Federal Bureau of Investigation Special Agent Randy Combs (Documents 22 and 48). Those declarations by S/A Combs contained sensitive details of the ongoing investigation and the names of witnesses. Some of the details contained in the declarations were derived from materials obtained via grand jury subpoena. Other details include contemplated,

future investigative steps, as well as potential subjects/targets beyond those who filed claims in this case.

3. As for the status reports, they also reveal details of the ongoing investigation and negotiations among counsel (Documents 41 and 44). In particular, the first status report even provides details about activities occurring before the grand jury.
4. Each of the four aforementioned documents, the two declarations and the two status reports, were filed under seal pursuant to the Court's order (Documents 34, 42, 45 and 52).
5. Though each of the claims in this civil case has been settled, the closely-related criminal investigation remains ongoing in earnest.
6. The Supreme Court characterizes grand jury secrecy as "a long-established policy ... older than our Nation itself." Pittsburgh Plate Glass Co. v. United States, 360 U.S.395, 399 (1959). The Court has explained that it:

...consistently ha[s] recognized that the proper functioning of our grand jury system depends upon the secrecy of grand jury proceedings. If preindictment proceedings were made public, many prospective witnesses would be hesitant to come forward voluntarily, knowing that those against whom they testify would be aware of that testimony. Moreover, witnesses who appeared before the grand jury would be less likely to testify fully and frankly, as they would be open to retribution.

Rehberg v. Paulk, 566 U.S. 356, 374 (2012).

7. Local Civil Rule 5(C) provides that a motion to seal must include: (1) a non-confidential description of the material to be filed under seal; (2) a statement as to why sealing is necessary, why another procedure will not suffice, and any evidentiary support for the motion to seal; (3) references to governing case law, an analysis of the appropriate standard to be applied for that specific filing, and a description of how that standard has

been satisfied; and (4) the period of time that the movant seeks to have the materials under seal and procedures to be followed upon unsealing.

8. In this case, unsealing the two declarations of S/A Combs and the two periodic status reports would reveal details of a criminal investigation in progress and details of related events occurring before the grand jury. Divulging the information contained in those documents would have severe negative consequences for the ongoing criminal investigation. The declarations and status reports contain details which make any alternative to sealing them unrealistic under the circumstances.
9. The government seeks to have the declarations and status reports, which are Documents # 22, 41, 44, and 48, remain under seal for an additional period of two years. Upon unsealing, the document may be made accessible to the general public on PACER.

Based on the foregoing, the government respectfully requests that the declarations and status reports on file on this case as Documents # 22, 41, 44, and 48 remain under seal for an additional period of two years.

Respectfully submitted,

JESSICA D. ABER
UNITED STATES ATTORNEY

By: /s/ Kevin Hudson
Kevin Hudson
Assistant United States Attorney
Attorney for the United States
721 Lakefront Commons, Suite 300
Newport News, VA 23606
Office Number: (757) 591-4000
Facsimile Number: (757) 591-0866
Email Address: kevin.hudson@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of March 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of the filing (NEF) to all counsel of record.

By: /s/ Kevin Hudson
Kevin Hudson
Assistant United States Attorney
Virginia State Bar No. 81420
Attorney for the United States
721 Lakefront Commons, Suite 300
Newport News, VA 23606
Office Number: (757) 591-4000
Facsimile Number: (757) 591-0866
Email Address: kevin.hudson@usdoj.gov